DISCUSSION OF THE AMENDMENT

Claim 16 has been amended to make explicit what was already at least implicit, i.e., that if R^3 is NR^7COR^{10}, --R^{10} -- is R^8.

No new matter is believed to have been added by the above amendment. Claims 16-38 remain pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held October 20, 2008, in the above-identified application. During the interview, Applicants' attorney queried as to whether the above-discussed amendment would overcome the rejection of Claim 16 under 35 U.S.C. § 112, second paragraph. The Examiner indicated that it would. Applicants' attorney also queried as to the scope of the nonelected subject matter. The Examiner indicated that the scope included both non-aromatic hydrocarbons and aromatic hydrocarbons.

The rejection of Claims 24, 34, 36 and 37 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, is respectfully traversed.

It is respectfully submitted that the data described in the specification at page 29 herein in Table 1 are based on well-established *in vitro* tests for predicting activity against inflammatory disorders in which TNF-α and IL-β are involved, such as rheumatoid arthritis. While the Examiner purports to list the so-called *Wands* factors, nevertheless, the Examiner has not convincingly indicated why the results in said Table, or the description generally in the specification, would not enable a person skilled in the art to treat inflammatory disorders of the type recited in the claims.

While inflammatory disorders such as rheumatoid arthritis are described as treated by the present invention by immunomodulating and/or cytokine-releasing-inhibiting action, and the Examiner finds that current treatments of rheumatoid arthritis are inadequate and that the art recognizes that specific anti-rheumatic drugs do not inhibit all cytokines and the mechanisms of action are unclear, nevertheless, it is the Examiner's burden to show that the presently-disclosed *in vitro* data would not be accepted by persons skilled in the art as indicative of *in vivo* behavior. The Examiner, in effect, requires *in vivo* data, which is not required by current case precedent.

In the Office Action, the Examiner asserts that enablement has not been provided for the elected compound of Example 54. However, the Examiner has not explained why enablement shown for compounds within the terms of the present claims other than that of Example 54 would not be accepted by persons skilled in this art for the full scope of the generic invention.

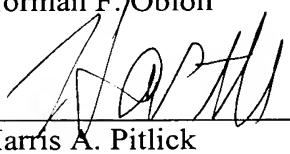
For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claim 16 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. As discussed above, the rejection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

Applicants respectfully submit that compounds and methods drawn to the elected species are now allowable. All rejections of claims drawn to the compounds have been overcome. Under proper PTO practice, the Examiner is required to expand her search and examination. In the absence of further grounds of rejection, the Examiner is respectfully requested to pass this application to issue with all pending claims.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Harris A. Pitlick
Registration No. 38,779

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

NFO:HAP\